

w/o

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI**

FILED
DATE: August 12, 2011
10:43 O'Clock A.M.
Sandra K Markham, Clerk
BY: Rachel Roehe
Deputy

DIVISION: 1

SANDRA K MARKHAM, CLERK

HON. DAVID L. MACKEY

By: Rachel Roehe, Deputy Clerk

CASE NO. P1300CR201001325

DATE: August 12, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA
(Plaintiff)

Yavapai County Attorney (e)
(For Plaintiff)

vs.

STEVEN CARROLL DEMOCKER
(D-1)

Craig Williams (e)
DeRienzo & Williams

Greg Parzych (e)
(For Defendant)

HEARING ON:
Trial/Potential Reassignment of Judge

NATURE OF PROCEEDINGS

COURT REPORTER
Lisa Chaney

START TIME: 9:02 a.m.

APPEARANCES: Jeff Paupore, Deputy County Attorney
Steve Young, Deputy County Attorney
Dennis McGrane, Deputy County Attorney
Steven DeMocker, Defendant
Craig Williams, Defense Counsel
Greg Parzych, Defense Counsel
Charlotte DeMocker, Victim

This is the time set for the hearing with regard to trial issues and potential judge reassignment.

Discussion takes place with regard to witnesses and disclosure, the trial schedule, and the possibility of scheduling a settlement conference.

The Court is provided with a letter from Katherine DeMocker. The Court determines that there is nothing in the letter that would be confidential and the Court orders that the letter shall be attached to this minute entry. If Counsel for Ms. DeMocker would like to file something with regard to the letter being attached to this minute entry, that needs to occur by the close of business today.

The victim, Charlotte DeMocker, addresses the Court.

Discussion takes place with regard to the potential judges in Yavapai County who could hear this case.

Court and Counsel hold a discussion at sidebar, off the record.

~*~*~*~*~ Recess – 9:54 a.m. ~*~*~*~*~

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At 10:40 a.m., Court reconvenes with the presence of all parties previously present.

The Court notes that it met with Counsel off the record. The Court understands that the Defendant wishes to preserve his objection to the reassignment from Judge Darrow; however, if there is a reassignment, both sides would stipulate to this Court taking the case. Both sides would also stipulate to this Court conducting the 17.4 Settlement Conference and waive any issues with respect to the trial Judge also conducting the 17.4 Conference.

Counsel indicate that this is their agreement.

The Court states that he will get a decision to the parties with regard to the reassignment and settlement conference as soon as possible.

END TIME: 10:43 a.m.

cc: Division 1
Division PTB (e)
Victim Services (e)
Steptoe & Johnson, LLP, Counsel for Western News & Info (e)
William Culbertson, Special Contract Administrator (e)
Melody G. Harom, Counsel for Victim Kathrine DeMocker (e)
De La Torre Law Office, Counsel for Victim Charlotte DeMocker (e)
John Sears, Witness *in pro per* (e)
Bill Williams, Interested Party *in pro per*, 3655 N. Taylor Drive Prescott Valley, AZ 86314
Assistant Attorney General – Phoenix (for Yavapai County)

August 11, 2011

In response to the State's request for my position on the potential rotation of Judge Darrow, resulting in reassignment of the case to a new judge and a continuance of the case against Steven DeMocker:

Acknowledging my own lack of context for this question, and assuming only so much information as the question itself provides, I must oppose the removal or rotation of Judge Darrow. We are now in the third year, second judge, and second trying of this case. The seemingly unending legal drama has characterized my family's lives for far too long, and just when it seems as though progress is at least on the horizon, another setback occurs. As such, unless I am given additional information that would support some reason for the judge to be rotated off the case, other than the coincidental timing of bureaucracy within the Yavapai county justice system, I cannot support such a change. Judge Darrow is familiar with the case, which is no small task given its complexity, and I see no reason he be removed before the conclusion of trial.

This opinion is contingent upon the trial remaining in Yavapai County and the change of venue motion being denied or otherwise not applicable. My desire to have the trial move forward, which I see Judge Darrow as providing the best avenue for within Yavapai County, should not be read as my opinion that the case in its entirety should remain there. Given my understanding of jury pools, I am at this point quite skeptical of the ability to obtain an unbiased or otherwise uncompromised jury among Yavapai County residents. I would support a change of venue, in which case I assume Judge Darrow would no longer be presiding. Under such circumstances, I would understand the need for a delay due to a new judge being brought up to speed on the issues involved. However, if the case remains in Yavapai County, I see no compelling reason to delay trial further and cause additional confusion by removing an otherwise competent judge for the purposes of reassigning their purview or division in the middle of a high profile case.

The issue of the trial being continued or rescheduled is similar, though not the same as the above. My position is one of wanting the trial to begin and move forward as quickly as is convenient, appropriate and fair for the involved parties. That said, not being directly involved precludes me from being able to make any sort of valid assessment as to what that is, so I have no position on this issue beyond that.

Regarding settlement negotiations, I also have no opinion at this time. It is not my understanding that parties are interested in offering or accepting pleas or settlements, but should they be, I have no resistance to discussions taking place or a Settlement Conference being held.

I have no opposition to the Judge ruling on pending motions, or questions as to his ability to do so.

Thank you for your time and inclusion of me on this matter. If there is additional information that was not provided to me that may change, alter, or influence my opinions, I would appreciate being given that information, as well as the opportunity to reevaluate my position.

Sincerely,

Katherine G. DeMocker